



Cape May County Open Space Program

PROGRAM GUIDE - 2016

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Program Introduction:

On November 9th, 1989, the voters of Cape May County approved, by a two to one margin, a ballot question endorsing the establishment of a trust fund to preserve open space and agricultural land. The trust is funded by a County property tax of one cent per \$100 assessed valuation (known as the Open Space Preservation Tax) and currently generates approximately \$5 million annually. Once the funds were in place, the County established the Division of Open Space and Farmland Preservation to administer the program, which focused on the outright purchase of open space parcels, and the purchase of development rights on active agricultural lands from willing sellers. From 1989 to 2015, the County was successful in purchasing 1,251 acres of open space (\$27,050,304 spent) and deed restricting 3,163 acres of farmland (\$35,147,903 spent). This has resulted in the permanent preservation of 4,414 acres through the utilization of nearly \$62 million of Trust Fund dollars.

In 1997, the State of New Jersey passed a number of laws which expanded the potential function of the Open Space and Farmland Preservation Trust Fund programs to include recreation and historic preservation. In 2012, the County met with municipal representatives and collectively came to the conclusion that it was in the best interest of the municipalities, their residents, and visitors to consider the expansion of the program. Therefore, a thorough review of the Open Space and Farmland Preservation Program was conducted, and new program documents were developed. Each year, the Open Space Review Board revisits its policies and procedures based on information provided by stakeholders, and updates this Program Guide and all application materials. This ensures that the Program is meeting the needs of those it is intended to serve in an efficient and effective manner.

This Program Guide reflects the goals, policies, and objectives of the Cape May County Open Space Board. The Farmland Preservation Program is operated under the guidelines provided by the State of New Jersey and the State Agriculture Development Committee. However, this level of guidance for the Open Space Program was not provided through the State or required by legislation; therefore each County's Open Space Program is different. The purpose of this document is to provide a well defined framework for the Open Space portion of the County's overall program.

The decision to expand the Open Space Program into the realms of recreation and historic preservation beginning in 2013 has helped to enhance and protect our collective community assets, providing quality of life and economic stabilization benefits. In the first three years of the Program, a total of 13 Park/Recreation projects and 5 Historic Preservation Projects have been funded, totaling \$5.4 million in fund commitments. As of January, 2016, recommendations for three land acquisition projects, one additional Park/Recreation Project, and five Historic Preservation Projects have been made, resulting in an additional potential fund commitment of over \$3 million. As we enter 2016, many of these projects will be completed and added to our County's

collection of resources for enjoyment by our many residents and visitors.

SECTION 1: GENERAL PROVISIONS

Purpose and Objectives:

The purpose of the Cape May County Open Space and Farmland Preservation Program is to permanently preserve public land of county significance and to support current and future regional conservation, recreation, community enhancement, and historic preservation needs throughout the County. The Program will interact with municipal officials and other stakeholders to identify community and regional needs and will utilize program funds to establish a diverse yet interconnected network of public spaces.

Program objectives are as follows:

- Permanently preserve regionally significant public open spaces and natural resources for recreation and/or conservation purposes
- Preserve active farmland throughout the County to maintain the viability of the County's agriculture industry
- Provide amenities at regional parks and recreation areas to meet local service needs
- Preserve and enhance historic resources
- Provide needed spaces and amenities for community enhancement
- Partner with local municipalities to provide funding for local open space, farmland preservation, recreation, or historic preservation initiatives, including the repayment of local debt service for these purposes

SECTION 2: ELIGIBILITY

Program Eligibility:

The following entities are eligible to apply for funding:

- Private Property Owners (Farmland Easements or Open Space Land Acquisition only)
- Cape May County's 16 municipalities
- Agencies or Departments of County Government
- Non-Profit Organizations with missions directly related to Historic Preservation (*for Historic Preservation projects only*)

Eligible Projects:

Eligible purposes, as defined by public law (N.J.S.A. 40:12-15.2 et seq), and approved by the Board of Chosen Freeholders may include the following:

1. Acquisition of land for conservation and recreation purposes
2. Development of lands acquired for recreation and conservation purposes
3. Acquisition of farmland or acquisition of development easements for farmland preservation purposes

4. Historic preservation of historic properties, structures, facilities, sites, or areas
5. Payment of debt service on indebtedness issued or incurred by the county or municipality for any of the purposes set forth above

Any funded projects must be open and accessible to the general public. A long-term management / maintenance agreement with the County of Cape May, dictating the terms of accessibility and usage of the site will be required.

Ineligible Projects:

The following purposes are considered ineligible to receive funding from the Open Space and Farmland Preservation Trust Fund:

1. Any maintenance, care, custodial, equipment (trucks, tractors, boats, etc.) or policing expenditures associated with active and passive recreation and historic sites
2. Lands that are and will remain predominantly covered by buildings or structures not appropriate for environmental education, recreational use, or historic preservation
3. Projects that will have a significant adverse impact on environmental resources or open space values.
4. “Soft costs”, such as engineering, architectural, surveys, permits, licensing fees, environmental analyses, audits, administration, operational costs, including in-kind services (salaries and wages) of the applicant, unless otherwise specified through the terms and conditions of an application being submitted under a “Special Dedicated Funding Round”
5. Any costs incurred prior to the submission of the application; please note that the issuance of a purchase order and/or the award of a contract shall constitute the incurrence of costs

SECTION 3: APPLICATION PROCESS AND REQUIREMENTS

Application Deadlines:

Applications for Land Acquisition, Park/Recreation Development, and Historic Preservation Programs will be accepted three times per calendar year. Decisions on the applications will be made prior to the beginning of the next funding cycle. In 2016, the dates are as follows:

- Friday, April 15th
- Monday, August 15th
- Thursday, December 15th

In 2016, applications will be accepted under two “**Special Dedicated Funding Rounds**” for the purpose of developing facilities in support of a establishing a regional bicycle path system. Decisions on these applications will also be made prior to the beginning of the next funding cycle. Due dates for “Special Dedicated Funding Round” are:

- Monday, August 15th
- Thursday, December 15th

An application must be received by the Cape May County Planning Department by 4:00 pm on those dates; failure to do so will automatically defer the project until the next funding round.

All applications received during the application period will be reviewed for completeness. Once deemed complete, the applications will be pooled and reviewed by the Open Space Board. Application review will commence at the first regular meeting of the Open Space Board following the application deadline. Applicants will be scheduled for brief (5-7 minute) presentations during the specific meeting where their application is being reviewed. Decisions on all applications in the pool will be made prior to the next application deadline.

Application Content:

The application consists of two components: 1) the Application Form; and 2) the Application Narrative. Applicants are encouraged to provide any documentation and/or associated material as specified by the appropriate application form, including but not limited to photos, schematic drawings, engineers estimates, copies of permits, letters of support, etc.

If the applicant is a municipality, a resolution authorizing the application and documenting community support is required as part of the application. Applications submitted without such documentation will be considered incomplete.

1) Application Form:

Applicants are required to complete the Open Space Program Application Form in its entirety, including signatures on designated lines. Assistance for completion of the form is available from the County Planning Department, if needed.

2) Application Narrative:

In addition to the Open Space Program Application Form, applicants are also required to provide an Application Narrative that provides details on the project. Application Narratives differ based on the type of project being proposed. The Application Form should be utilized as the cover sheets for the Application Narrative. The document does not necessarily have to be typed, but it must be legible. Additional details may be required, as determined by the Board. The applicant will be asked to provide any necessary revisions.

SECTION 4: APPLICATION REVIEW AND EVALUATION

Factors for Consideration:

The Open Space Review Board has developed the following set of guidelines to be utilized when considering each application. No numerical value or ranking system is attributed to each of these individual factors.

Factor Set #1: Land Features

- Existing Land Use / Details of Site, including development restrictions, utility easements, conservation easements, etc.

- Surrounding Land Uses: Adjacency to Preserved Lands, Parks, or Natural Lands
- Site Setting: Aesthetic, Environmental and Historic/Cultural features
- Accessibility to projected users, community and regional perspectives to maximize broad spectrum of potential users
- Risk of Loss: development pressure / site decay / encroachment

Factor Set #2: Community Needs & Planning

- Level of municipal, community, and/or community organizations' support/commitment
- Quality and quantity of existing municipal open space, recreation, and historic resources
- Project provides diversification of open space, recreation, and/or historic resources for the region
- Consistency with local planning documents and initiatives
- Protection of parcels contributing to regional water quality and/or water supply

Factor Set #3: Leveraging of Investment / Long Term Viability

- Demonstration of how project leverages existing and planned investment in community and region
- Project matching investment by applicant and/ or municipality
- Use of project funds to maximize community benefit
- Project readiness and timeline for completion
- Past success of applicant with similar projects

Application Review:

When applications are received, they will be subject to an initial review for completeness by Planning Department staff. Applicants will be contacted if there are any deficiencies in their application, and will be asked to provide the necessary documentation. Once the application is deemed complete, it is eligible for placement in the pool of applications for review by the Open Space Board.

The Open Space Board meets monthly to review applications. Applicants are highly encouraged to attend the meeting where their project is being vetted in order to provide additional information and answer questions raised by Board Members. Visual aids, such as site schematics or plans are welcome, but are not required. The Board will hear comments from applicants and other interested parties during an open public section of the meeting. Project specifics amongst board members and their professionals are discussed during closed session. Additional information on the project may be requested as a result of the meeting.

Based on the review of the application, and the monies available in the Trust Fund, the Open Space Board can take the following actions:

- Recommend the approval of the project by the Board of Chosen Freeholders
- Decline the application and dismiss it from the review process
- Defer decision on the application, and place it in the pool for the next funding cycle

Applicants will be notified in writing after determination of the course of action selected by the Board. Please note that approval by the Open Space Board does not guarantee funding of the project; final decisions on applications are made by the Cape May County Board of Chosen Freeholders, and are dependent on the availability of monies in the Trust Fund.

There will be multiple opportunities for public comment. The public is welcome and encouraged to attend the regularly scheduled meetings of the Open Space Board. If a project is recommended for positive action, the matter will also be heard before the Board of Chosen Freeholders. This will be either in the form of a public hearing on the project OR in the regular public comment where a resolution regarding a particular project is listed on the Freeholder Agenda. Meeting schedules for both Boards can be found on the Cape May County website at: www.capemaycountygov.net .

SECTION 5: POST-DECISION PROCESS – RECOMMENDED PROJECTS

Prior to the formal commitment of County Open Space Funds by the Board of Chosen Freeholders, the County and the applicant will determine the parameters for funding and memorialize the same in the form of a lease/management agreement, shared services agreement, or other legal document deemed appropriate by County Counsel. This document (or documents) shall dictate the terms of use for the land, buildings, and/or facilities situated thereon, including but not limited to the following:

- Intent and purpose of the project
- Public accessibility
- Short- and long-term plan for land use and land management
- Specific timeframes with milestones for park development and/or historic preservation project
- Guarantees for completion of project within the stated timeframe
- Parameters for public use and public access, including the proposed user fee schedule (if applicable)
- Parameters for sponsorships, subleases or other third-party agreements for use of the property
- Guarantee and schedule for maintenance, monitoring, and inspections
- Development of minimum standards for site amenities
- Other issues deemed necessary by the nature of the project, or as required by County Counsel

For Park/Recreation projects, NJ Statute (N.J.S.A. 40:12-15.1 et seq) requires that a public hearing be held prior to the formal commitment of funds to the project by the Board of Chosen Freeholders. Appropriate public notice will be given, and applicants will be requested to attend the Public Hearing to answer any questions posed by the Board of Chosen Freeholders and/or the general public. After the Public Hearing, there is a 45 day waiting period, after which the Board of Chosen Freeholders can formally take action on the project.

Public hearings are also held for Historic Preservation Projects. These projects also require an agreement between the County and the applicant. In addition to the bulleted items above, said contract will also specifically provide the terms of financing for the approved project. Please note that for projects that are listed on the State and/or National Historic Register, applicants will be responsible for meeting the terms and conditions associated with that designation, including obtaining Project Authorization from the State Historic Preservation Office prior to beginning work on the project and inspection and approval after the completion of the project. Details are provided in the grant contract between the County and successful applicants.

SECTION 6: NOTES FOR MUNICIPAL APPLICANTS

Land Acquisition – Municipal Partnerships:

On occasion, partnerships with municipalities are developed whereby a municipality will pre-acquire a property and be repaid by the Open Space Program. The Open Space Program must be an active party in the initial acquisition; no “retroactive” funding will be provided to municipalities for lands previously purchased. In the case of a municipal “pre-acquisition” where the property will cost in excess of \$1 million, the Open Space Board reserves the option to recommend multi-year payout. This will be done in limited circumstances, as warranted by factors such as the balance of the trust fund, cost of the property, and volume of incoming applications. Please note that if a multi-year payout is recommended per statute, a public hearing by the Board of Chosen Freeholders is required, therefore a slightly extended timeframe is required for acquisition and/or reimbursement for municipal acquisition.

Park/Recreation Development Projects – User Fees:

Any user fees charged by municipalities for Open Space-funded projects must be modest, customary, and reasonable in relation to the type of facility developed and the programs offered at that facility. The Open Space Board must deem the proposed user fees to be necessary for the operation of the funded site. The municipality must demonstrate that the fees collected are recaptured for the purpose of maintaining and operating that particular facility through the establishment of a dedicated line item in the municipal budget. Municipal obligations in this regard, including annual reporting requirements, will be made part of the Shared Services Agreement executed between the County and the municipality,